

Exhibit A

BERKELEY • DAVIS • IRVINE • LOS ANGELES • RIVERSIDE • SAN DIEGO • SAN FRANCISCO • SANTA BARBARA • SANTA CRUZ



MICHAEL SHLIPAK, MD, MPH
ASSOCIATE PROFESSOR OF MEDICINE, EPIDEMIOLOGY &
BIOSTATISTICS

CHIEF, GENERAL INTERNAL MEDICINE
VA MEDICAL CENTER
4150 CLEMENT STREET (111A1)
SAN FRANCISCO, CA. 94121
(415) 750-2093 FAX :(415) 379-5573

Honorable Maxine M. Chesney
US District Court, Northern California
450 Golden Gate Ave; 16th Floor
PO Box, 36060
San Francisco, CA 94102

March 17, 2008

Dear Judge Chesney,

I am writing on behalf of Mr. Daniel Hickey, who has been my patient in primary care at the San Francisco VA Medical Center since May 2000. My understanding is that Mr. Hickey faces the possibility of federal imprisonment. The purpose of this letter is to offer an objective viewpoint on the health status of Mr. Hickey, and his physical capacity to withstand a prison sentence.

Over the past 8 years, Mr. Hickey has experienced a steady decline in his health status and he is currently very frail from a medical standpoint. He has several chronic diseases that require careful management to keep him out of the hospital; these include Stage 3/4 chronic kidney disease; heart failure; obstructive sleep apnea; atrial fibrillation requiring chronic anti-coagulation; thyroid dysfunction; osteoarthritis; and hypertension. Managing these conditions, in addition to his medications for chronic pain and depression, requires a delicate balance of eleven different oral prescriptions. These medications require frequent adjustment as the beneficial effects of a medication on one organ system may result in deleterious effects on another. For example, I will offer 4 major challenges in his medical management.

1. The ibuprofen that he uses for pain control for severe osteoarthritis is known to exacerbate kidney function, so his kidneys must be monitored closely.
2. His kidney function affects his anticoagulation status – if his kidney function worsens, his coumadin level will be excessive and he could have a spontaneous and potentially fatal hemorrhage.
3. Mr. Hickey's thyroid function has been challenging to control; when his thyroid level is too high, his heart failure is exacerbated leading to greater risk of life-threatening arrhythmia and requirement for hospitalization.
4. His blood pressure level must be kept very low to optimize his heart function; yet, this is impossible in the setting of acute and chronic stress.

The most ominous threat to Mr. Hickey is his kidney function and its effect on his heart failure status. Mr. Hickey has a glomerular filtration rate (kidney function capacity) of approximately

30ml/min, which is only 25% of a normal adult's kidney function. I anticipate that he will require dialysis within 3 years at his current rate of decline. To delay his need for dialysis as long as possible, Mr. Hickey requires extremely judicious blood pressure management. Unfortunately, he has anger management difficulties and susceptibility to psychological stress that make this challenging even in the civilian world. I strongly believe that his kidney function would decline at a much more rapid rate if he were imprisoned, and as a consequence he would require dialysis much sooner than he would in the community. According to a paper published in the Annals of Internal Medicine in 2007 by Dr. Manjula Kurella, my colleague at UCSF, the median survival of an 80-year-old starting dialysis in the United States is only 12 months. Therefore, it is a 50/50 bet whether Mr. Hickey would survive for a year after starting dialysis, even if he were living freely in the community.

Judge Chesney, my goal is not to make an emotional plea for leniency for my long-term patient, Mr. Daniel Hickey. Rather, I hope to convince you that it is a near certainty that his health would decline substantially and rapidly if managed by a non-expert physician in a federal prison. Without even a dramatic event like a heart attack or stroke, I am confident that Mr. Hickey's multiple chronic disease conditions would conspire to cause his death within a few years if managed in a stressful environment like prison, and in the absence of expert and readily available medical care, which we provide at the San Francisco VA Medical Center.

I am fully available to discuss these issues with you, as Mr. Hickey has given me permission to discuss his medical care in the context of his legal predicament. My direct line is: 415-221-4810 x3381.

Respectfully and sincerely,



Michael G. Shlipak, MD, MPH
Chief, General Internal Medicine
San Francisco VA Medical Center

Exhibit B



Department of Veterans Affairs
Medical Center
1650 Clement Street
San Francisco CA 94121
MENTAL HEALTH SERVICE

☐ GEN PSYCH OUTPATIENT SVCS (GPOS) ☐ PTSD ☐ _____
FRONT DESK TELEPHONE: ☐ (415) 750-2073 (GPOS) ☐ (415) 750-6931 (PTSD)
DIRECT LINE: ☒ (415) 221-4810 Ext 4366 ☐ _____
FAX: ☒ (415) 379-5562 ☐ (415) 750-6996 ☐ _____

FAX TRANSMITTAL SHEET

DATE: 3/7/08TO: Elizabeth FalkFAX NO: 436-770966FROM: R. DaultonNUMBER OF PAGES (including this cover sheet): 2Please call _____ ☐ If number of pages received is less than above ☐ to confirm receipt of this fax

MESSAGE:

SUBJECT: CONFIDENTIAL

Urgent-for action

☐ Fyi☒ As requested☐ For review/comment☐ For filing

Thank you & Good Luck.

RD

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DEPARTMENT OF VETERANS AFFAIRS
Medical Center
4150 Clement Street
San Francisco, CA 94121

March 7, 2008

In Reply Refer To: 662/116C

SUBJ: MR. DANIEL M. HICKEY

The Honorable Maxine M. Chesney
United States District Court
450 Golden Gate Avenue., 16th Floor
P.O. Box 36060
San Francisco, CA 94102

Dear Judge Chesney:

I have been the treating psychiatrist of record for Mr. Daniel M. Hickey since he presented to the San Francisco VA Medical Center's Mental Health Clinics in August, 2007. With his permission, I asked to write a letter describing my professional impressions of his mental state and his treatment.

I have been a board certified psychiatrist since 1996 and have worked with thousands of patients in that time, including many who have committed crimes and many who have been involved in war atrocities. I have known no patient more remorseful for their behavior than Mr. Hickey. I honestly believe that he has spent the vast majority of his waking hours over the past 6-9 months ruminating about his actions and berating himself for his lapse in judgment. He has developed a clinical depressive disorder that we are treating with two antidepressants as well as frequent visits to our clinic for psychotherapy. His remorse is so intense that I believe he is a high risk for suicide. This risk is heightened by his advanced age, multiple medical problems, and, as a result of his legal charges, the loss of his job and support system at church.

He has been fully compliant attending his visits to our clinic and has kept in touch with me by phone on a number of occasions between visits. He reviews with me in exhaustive detail how he fell into his behavior on the internet and describes very clearly how he will avoid any future lapses in judgment. I believe that given his impressive and upstanding record of service to his family and his community, his extreme remorse, as well as the absence of any prior offenses, that the likelihood of additional lapses in judgment are extremely small.

I also believe that a jail sentence would possibly be catastrophic because his shame is already so severe that I worry about his risk for suicide. He has already lost his job and church and much of his support system as a result of his offense. I feel it would not only be unnecessary punishment to incarcerate him, but would be inhumane given his fragile physical state and his mental duress.

Please feel free to contact me if you would like to discuss my impressions further.

Thank you for your consideration.

Sincerely yours,

Robert B. Daroff, Jr., MD
Associate Clinical Professor
UCSF Department of Psychiatry
415.221.4810. x4366

Exhibit C

FROM :DAN HICKEY

FAX NO. :4159224146

William Joe
20 Citrus Ct.
Hillsborough, CA 94010
650-347-8281 (h)
650-577-9585 (cell)

Friday, February 29, 2008

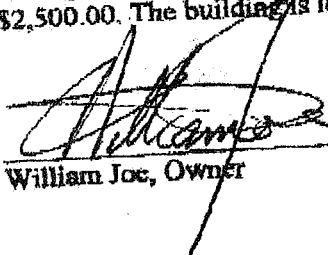
Re: Dan Hickey, Resident/Manager, 2935 Clay St., San Francisco, CA,
94115

To Whom It May Concern:

I own the 6-unit apartment building at 2935 Clay St., San Francisco. Dan Hickey has resided in the building continuously almost 40 years. Dan is the manager of the building, and consequently, in exchange for his services as manager, his rent is \$900.00 per month.

Dan's duties include: Maintaining the appearance and cleanliness of the building, maintain building safety, keep the building in compliance with City Fire Codes, insure the building remains safe from intruders, takes in large boxes and mail via FedEx, etc., and deliver to tenants, keeps a key file for tenants who lose their keys, sets timer on indoor and outdoor building lights to coincide with amount of seasonal daylight, makes small repairs to apartments when needed, sweeps out the garages periodically, empties trash bins in lobby into recycling bins in the garage, mops lobby and stairwells, keeps laundry room clean and laundry and dryer machines working properly.

Additionally, when we have a vacant apartment, Dan lists the apartment for rent on Craig's List, checks credit and references of potential tenants. Insures that vacant apartments are clean and attractive for new tenants. He takes care of plumbing issues in all the apartment and hires contractors to make major repairs. Dan, his wife and son, live in apartment #2 which is a 2-bedroom, 1 and 1/2 baths, with view, parking included, apartment. Other comparable apartments in the building rent for \$2,500.00. The building is located in Pacific Heights.


William Joe, Owner

(signature)

Exhibit D

Judge Maxine Chesney
U.S. Federal Court
C/o Ms. Elizabeth Falk, Public Defender

Dear Judge Chesney,

My name is Holly Sadoff & I am the oldest daughter of Daniel Hickey. He has an appearance in your court on the 23rd of April & while I will be there, I felt more comfortable putting my thoughts into writing.

My father raised me alone from the time I was a baby and he loved me very much & took great care of me. He really did the best he could in a time when it was unusual for fathers to be the sole parent. I can tell you that none of the allegations Mary (Moriah) has made are true. I also stated that in my declaration that you received in October. I don't know why she is telling these outrageous lies. I have to say that I think she & my half-sister Veronica are both a little disturbed.


I would like to say that my father has been married to Stella for 26 years & she is a great person. She's smart, speaks 3 languages & works very hard at her accounting firm. She was in her 20's when she married my dad & not at all the idiot Moriah has tried to make her out to be.

I also know my father has also been a great father to Harlan. He is truly a remarkable young man. I realize what my father has done is terrible, and so does he. My concern is that I don't know how many years my father has left & going to jail will most likely kill him. I also fear that it would be a trauma that Harlan would have a hard time ever getting over. I can't even imagine how horrible it would be for him to have his dad taken from him in this way.

I know you have a difficult decision to make and I just wanted to express my feelings in the hope it may help my father, who I love very much. Again, will be in court on April 23rd & if you have any questions for me, please don't hesitate to ask.

Thank you for your time and attention.

Sincerely,



Holly Sadoff
219 Trescony St.
Santa Cruz, CA 95060
831-429-1356

April 15, 2008

Dear Judge Cherney,

I am writing you a letter because I have been told by my parents that you will decide if my dad goes to prison or not. I think I will be very broken hearted if you send Dad to Prison.

I love my mother and Dad alot. My dad takes me to school in the morning and picks me up from school in the afternoon. He takes me home and helps me with my homework. He has been doing this for me since kindergarten.

I am age 14, and I have ADD. My school is Claire Lilienthal Middle School. I am in a special class with a special teacher to help me stay focused on my class work and homework. My dad has always had meetings with my teachers to make sure I get my work done, and he helps me with my homework, except math. He doesn't know much math.

After taking me to school, my dad drives my mom to work. I don't usually see my mom until my dad picks her up and brings her home about 9:30 PM. I am home from

2:30 to about 9:00 pm with just me and my dad. Before bed my dad fixes me dinner.

I have a new and really neat bedroom. I had to wait to get the new bedroom until my grandparents moved out. We have waited a long, long time for this, but my grandfather had a heart attack and no where to go.

My dad has talked to me almost about several times why he was arrested. He explained to me what he did, and why he was arrested. He has apologized to me and my mom many times for what he did, and how sad and sorry he is for what has happened to us because of what he did. We still love dad. My dad never used the computer in the evening, but watched TV, cooked my dinner, picked my mom up at work, and then he would go to bed early because he gets very tired.

My dad has been to the hospital many times, especially the emergency. One time, my dad was unconscious in his car for almost 10 hours and almost died. We found him and called the Ambulance. He has a disease that I can't spell or pronounce. He is very, very, very sick. He has to sleep

With a special breathing machine.

My Dad takes me to church and we pray together in church and at home. My dad is a war hero. Dad takes me to my track meets at Kezar, and takes me to rugby games where I play for the Golden Gate Under 15's. I love rugby and want to be a professional rugby player some day, maybe after I play rugby for BYU.

My Dad has taken care of my grandma and grandpa. He takes them to their medical doctors and visited my grandpa in the hospital every day for almost six months. My dad is a good, good man and a great father. I know that if he goes to prison, he will die there. Please don't let that happen. He takes many, many pills so he can live for me. He has had many operations, including cancer two times.

My dad gave Alyssa money for her birthday and she always called us wanting to get away from her home in Roseville where her mom and her boyfriend are always drunk. I wish Alyssa had not called the police on my f. She has also told some lies.

I want my dad to attend my Middle school Graduation. . . . Please, please, let him come back home to us. He has never done anything wrong while I was home. I love him. He is a good man. He is very, very sorry for what he has done. I pray for him all the time.

Thank you for reading my letter.

Sincerely yours,

Harlan Kevin Hickey

4129 Splendor Way
Salt Lake City, UT 84124
April 11, 2008

Ms. Elizabeth Falk
Federal Public Defender
Fax: 415-436-7706

Dear Ms. Falk,

It is my understanding that you are representing Daniel Hickey and have requested letters ascertaining the character of Mr. Hickey. I have been personally acquainted with Dan Hickey for more than 25 years. I have known him on a personal basis and as a volunteer in USA Rugby, his community, and church. I have stayed in his home on several occasions.

I have served as a Bishop in The Church of Jesus Christ of Latter-day Saints and have attended church services and other church functions with Dan. My entire 25+ year experience with Dan has been all positive. I have never seen any indication in our many conversations, time spent together, and friendship that would even hint at the charges now pending against Dan. I have stayed in his home and have never seen or heard anything even remotely connected to the allegations.

To the contrary, I have found Dan to be generous and committed to civic, community, and church causes and projects. Dan is an exemplary father to his son Harlan, including but not limited to attending church with him, involvement in his school work, volunteer at his school, and involvement in his sports activities. Dan is committed to his son and family. I consider Dan to be one of the best fathers I know.

I am pleased to state without reservation that I consider Dan Hickey to be an upstanding and moral person.

Please contact me if you have any questions or desire additional information.

Thank you.

Sincerely,



Larry Gelwix

4/18/08

To: Judge Chesney
Re: Daniel Hickey

Dear Judge Chesney:

My husband and I are so very, very sorry that our son-in-law, Daniel Hickey, is in serious trouble for a really stupid decision he made. I have known him for 26 years and he has always been a gentleman and first class person, and a loving husband to my daughter, Estella.

Dan was responsible for bringing my husband and me from the Philippines to the U.S. I worked as a domestic taking care of two elderly women over 13 years. I became a part of their family. My son-in-law Dan helped me to become a U.S. Citizen and he was most responsible for bringing my husband to the U.S. as well.

My husband is a retired Police Chief in the Philippines and he was hoping to get a job as a Security Guard in San Francisco. Unfortunately, my husband had continuous bouts of asthma and Dan had to take him to the hospital on a regular basis. Dan allowed my husband to stay in one of the bedrooms while my daughter slept on the sofa bed in the living room because she stayed up late working on her computer, even after returning home from her job. Dan never made us feel bad for living in his home. He never asked us to leave because we had nowhere to go until last year. How many sons-in-law would be so kind and yet in court, she and Estella were mocked for it making it sound as if this living arrangement was laughable. Dan was interviewed by two people from San Francisco Child Protective Services, who also interviewed our grandson and my daughter. They said that everything was fine in the home, although somewhat crowded.

#1

The U.S. attorney made us very uncomfortable when we appeared in Court to support our son-in-law.

My husband suffered a serious heart attack and was in a coma for 2 months and in the hospital for 6 months. Dan and Estelle had planned for us to move out to renovate the bedroom for their son, and my grandson, Harlan. This has now happened.

I speak very good English. I do not need an interpreter. Dan takes me and my husband to all our medical appointments. We deeply regret all the horrible things his ex-wife says about him. They are not true, and Dan's daughter, Holly, confirms this.

Please do not send Dan to prison. He wants to participate in psychiatric counseling. We realize the seriousness of the crime Dan is charged with, however, prison is not the answer for him. He served his country with courage and bravery in combat with most his friends killed by the Chinese Communists, when Dan came home from the Korean War. He was hospitalized and then he was selected to be an escort on Burial Detail, taking Marines killed in Korea home to their families and arranging the funeral services. We think Dan is entitled to some consideration for his duty to his country. He has never asked for anything from his country. Sending him to prison is unfair, given all the health circumstances, and it is way beyond what is fair in a democratic country. We are praying that you will be somewhat merciful. Dan was a war hero, and a hero to many Filipino Veterans for whom he worked hard to get them American citizenship and health benefits. He is a hero in the Philippines.

We are praying that you will be somewhat merciful. Alan was a war hero, and a hero to many Filipino veterans for whom he worked hard to get them American citizenship and health benefits.

Alan made a bad mistake. He has apologized to us for the shame and embarrassment he had caused.

Sincerely,
Celia H

1 Garrick S. Lew SBN 61889
Law Office of Garrick S. Lew & Associates
2 600 Townsend Street Suite 329E
San Francisco, CA 94103
3 Telephone: 415-5753588
Facsimile: 415.522.1506
4 gsl@defendergroup.com

5 Attorney for Petitioner
Daniel Marshall Hickey
6
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA,	)	No. CR-07-0634 MMC
)	
12 Plaintiff,	)	DECLARATION OF HOLLY
	)	SADOFF IN SUPPORT OF
13 v.	)	DEFENDANT'S PRETRIAL
	)	RELEASE
)	
15 DANIEL MARSHALL HICKEY,	)	Date: October 24, 2007
	)	Time: 2:30 p.m.
16 Defendant.	)	Honorable Maxine M. Chesney

17 **UNDER SEAL**
18

19 I, Holly Sadoff, declare that if called to testify I would and could competently say;
20

21 That I am the daughter of defendant Daniel Marshall Hickey. I am 47 years old. I
22 am married and live in Santa Cruz, California. My mother is Kathleen Ireland. My mother
23 and father never lived together. After I was born my mother left me with my father and Dan
24 raised me alone. My mother disappeared and I did not hear from her for years. My father
took care of and provided for me. My father has never physically or mentally abused me.

25 My step-mother Mary "Moria" Verola came into my life when I was approximately
26 5 years old. Mary's relationship with my father and me was abusive. She had a bad temper
27 which she often could not control. She was physically abusive with me. I specifically recall
28 an incident when she was angry and her grabbing me by my hair and slamming my head

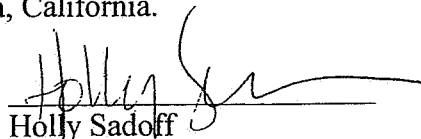
1 repeatedly into the steering wheel. She mentally abused me by often locking me in the
2 bathroom for hours and not letting me out. When angry Mary would yell at me and say "I
3 hate you Holly because your father loves you more than me". Fortunately Mary only stayed
4 with our family for 2-3 years and left when I was 7-8 years old.

5 My step-mother's alleged statements to an FBI case agent that "Hickey would sleep
6 in the same bed with his daughter" and "While the daughter would wear diapers and
7 pajamas, defendant would sleep naked with his daughter" are absolutely false. I was not in
8 diapers when I was five and my father never slept in the same bed with me. My step-
9 mother's accusation that my father sleep naked with me is an outright lie.

10 This past summer my brother Harlan Hickey spend a week at our home in Santa
11 Cruz. I spent time speaking with Harlan about his interests, school, activities and family
12 life. I was specifically concerned about the living arrangement with my father with so many
13 people, dad, Estella, grandmother and grandfather all living in a 2 bedroom apartment in
14 San Francisco. I remember probing Harlan about home life and if there were any
15 underlying problems. Although crowded Harlan indicated that everything was good,
16 everyone was getting along and that home life was fine. I was satisfied with my nephew's
17 answers.

18 I truly believe that my father does not pose a danger to his son Harlan, his family or
19 the community at large. I fully understand the nature of the charges my father is facing. I
20 have also had lengthy discussions with my dad concerning what he is accused of doing and I
21 know he is worried and truly sorry. My dad will not do anything to jeopardize his pretrial
22 release conditions. My dad has a multitude of medical problems that requires constant
23 medical care. He is required to take a large number of prescribed medications daily and if
24 he is ordered to return to jail he will not receive his medications and his health and life will
25 be at risk again.

26 I declare under penalty of perjury that the foregoing is true and correct except as to
27 those matters stated on information and believe and as to those matters, I believe them to be
28 true. Executed on October 23, 2007 in Napa, California.


Holly Sadoff

Garrick S. Lew SBN 61889
Law Office of Garrick S. Lew & Associates
600 Townsend Street Suite 329E
San Francisco, CA 94103
Telephone: 415-5753588
Facsimile: 415.522.1506
gsl@defendergroup.com

Attorney for Petitioner
Daniel Marshall Hickey

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR-07-0634 MMC
)	
Plaintiff,	)	DECLARATION OF HARLAN
	)	HICKEY IN SUPPORT OF
v.	)	DEFENDANT'S PRETRIAL
	)	RELEASE
)	
DANIEL MARSHALL HICKEY,	)	Date: October 24, 2007
	)	Time: 2:30 p.m.
Defendant.	)	Honorable Maxine M. Chesney

UNDER SEAL

I, HARLAN HICKEY, declare that if called to testify I would and could competently say;

That I am the son of defendant Daniel Marshall Hickey. I am 13 years old. Since I was born I have always lived at 2935 Clay Street, Apt 2, San Francisco, California with my mom Estella and my dad Dan.

I have a great relationship with my dad. I spend more time with dad that I do with mom due to mom's work schedule. Dad and I talk everyday, practice and talk Rugby, run and work out at the beach, go to church and visit Blockbuster for movies. He is always there to help me with my spelling, grammar, history and corrections to my homework. I rely on his advice and guidance daily. Dad drives me to and from Claire Lillianthal Middle School everyday then takes mom to work at Price Waterhouse Coopers. Since my dad had

1 to go to court grandpa is always in the car with us where ever dad drives me. I would like
2 my dad back home living with me. I really miss him since he moved to grandpa's place.

3 My father and I have never slept in the same bed together. Until recently we have
4 slept in a bunk bed in the same bedroom due to lack of space in our apartment. I slept in the
5 upper bunk and dad slept in the lower bunk. I was supposed to have my own bedroom 2
6 years ago but grandpa had a heart attack in May of 2006 and was in the hospital for months.
7 My parents told me I had to wait until grandpa recovered and was well enough to move out
8 with grandma. When grandma and grandpa finally found a place of their own in August I
9 got the bedroom all to myself. I now sleep in my own bedroom.

10 My niece Alyssa visited us during the summer. She stayed in the front room with
11 my mom. I remember her using the computer a lot to go to My Space on the internet to
12 show me photos of her and her friends. These were the only images and information I saw
13 on the computer with Alyssa when she visited. I did not see any photos or images of naked
14 kids or adults on the computer screen. I did not see any photos or pictures of naked kids or
15 adults reflected on our television screen during Alyssa's visit.

16 I have seen pictures of naked men and women doing bad stuff before in the boy's
17 bathroom of my school. I do not know who put these pictures on the wall. This is not good
18 because real young boys in the elementary grades use the same bathroom. The school
19 always takes these pictures down as soon as they find out about it. I have never seen any
20 similar pictures like these on our home computer.

21 My dad is old and he really needs a lot of medicine every day. I want him back at
22 home staying with me so I can help him in case he needs help because of his health.

23 I declare under penalty of perjury that the foregoing is true and correct except as to
24 those matters stated on information and believe and as to those matters, I believe them to be
25 true. Executed on October 23, 2007 in San Francisco, California.

26
27 Harlan Hickey
28